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|----|--|---|
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| 2  | 740 4 <sup>th</sup> Street,<br>Santa Rosa, CA 95404  |   |
| 3  | Office: 707-527-8810<br>Fax: 707-569-1547  |   |
| 4  |  |   |
| 5  | Attorney for Plaintiff,<br>Jose Vera   |   |
| 6  |  |   |
| 7  | UNITED STATES I  | DISTRICT COURT  |
| 8  | NORTHERN DISTRICT OF CALIFORNIA  |   |
| 10 |  |   |
| 11 |  | ) Case No: CV 09-03626-CW   |
| 12 | JOSE VERA  | ) Hon. Claudia Wilken   |
| 13 | Plaintiff,   | )<br>)  |
| 14 | vs.<br>AURORA LOAN SERVICES LLC;   | )<br>)  |
| 15 | CAL-WESTERN RECONVEYANCE CORPORATION;  | )<br>)  |
| 16 | DEUTSCHE BANK TRUST COMPANY  | STIPULATION AND ORDER  RE REPLY TO OPPOSITION TO                      |
| 17 | AMERICAS, IN TRUST FOR, RESIDENTIAL ACCREDIT LOANS, INC. MORTGAGE  | ) MOTIONS TO DISMISS (ORIGINALLY<br>) SET FOR HEARING ON FEBRUARY 18. |
| 18 | ASSET-BACKED PASS-THROUGH<br>CERTIFICATES, SERIES 2005-QO4;  | 2010)   |
| 19 | MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.;  | )   |
| 20 | HOMECOMINGS FINANCIAL, LLC;<br>HOMECOMINGS FINANCIAL NETWORK,  | )<br>)  |
| 21 | INC., a business organization, form unknown;   | )<br>)  |
| 22 | TRIMERICA MORTGAGE CORPORATION, a business organization, form unknown.   |   |
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| 24 |  |   |
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|    | STIPULATION AND PROPOSED ORDER RE REP  | LY TO OPPOSITION TO MOTIONS TO DISMISS                                |

Plaintiff Jose Vera ("Plaintiff"), by and through counsel of record, and Defendants 1 Homecomings Financial, LLC ("Homecomings"), GMAC Mortgage Corporation ("GMAC"), 2 Cal-Western Reconveyance Corporation ("Cal-Western"), and Mortgage Electronic Registration 3 System ("MERS"), by and through their respective counsel of record stipulate as follows: WHEREAS all parties have in principal agreed on a proposed settlement in the above 5 action and are making a good faith effort to dedicate the resolution to a final writing; 6 WHEREAS it is believed by all parties that such settlement may be achieved without 7 further involvement by the court; 8 WHEREAS it is believed by all parties that such settlement will result in the dismissal 9 of all parties to the action; 10 WHEREAS Homecomings, GMAC, and MERS have a reply due to Plaintiff's 11 Opposition Defendants' Motion to Dismiss the Second Amended Complaint by February 4, 12 2010; 13 WHEREAS all parties believe justice will be furthered and judicial resources conserved 14 if Homecomings, GMAC, and MERS are allowed additional time to reply to Plaintiff's 15 Opposition to Defendants' Motion to Dismiss the Second Amended Complaint; 16 IT IS HEREBY STIPULATED, and the parties request that the Court Order that any 17 reply by Homecomings, GMAC, and MERS to Plaintiff's Opposition to Defendants' Motion to 18 Dismiss the Second Amended Complaint be filed no later than February 18, 2010. Alternatively, 19 the parties request that the Court continue the hearing date at least 2 weeks to March 4, 2010, 20 making Homecomings, GMAC, and MERS' Reply due on February 18, 2010. 21 IT IS SO STIPULATED. 22 /// 23 /// 24 /// 25 /// 26 27 28

| RECONVEYANCE CORPORATION  DATED: February 1, 2010  HOUSER AND ALLISON  By: /S/ Robert L. Driessen  Robert L. Driessen  Attorneys for Defendant MORTGAO  ELECTRONIC REGISTRATION S  INC.  ///  ///  ///  ///  ///  ///  ///  |    |  |
|---|----|--|
| By: /S/ Allan Cory Allan J. Cory Attorney for Plaintiff JOSE VERA  DATED: February 1, 2010  By: /S/ Robin P. Wright Robin P. Wright Attorney for Defendant CAL-WEST RECONVEYANCE CORPORATION  By: /S/ Robert L. Driessen Robert L. Driessen Attorneys for Defendant MORTGAG ELECTRONIC REGISTRATION S INC.  ///  ///  ///  ///  ///  ///  ///   | 1  | DATED: February 1, 2010  |
| By: //s/ Allan Cory Allan J. Cory Attorney for Plaintiff JOSE VERA  DATED: February 1, 2010  By: //s/ Robin P. Wright Robin P. Wright Attorney for Defendant CAL-WEST RECONVEYANCE CORPORATION  DATED: February 1, 2010  HOUSER AND ALLISON  By: //s/ Robert L. Driessen Robert L. Driessen Attorneys for Defendant MORTGAG ELECTRONIC REGISTRATION S INC.  ///  ///  ///  ///  ///  ///  /// | 2  | LAW OFFICE OF ALLAN J. CORY  |
| Allan J. Cory Attorney for Plaintiff JOSE VERA  DATED: February 1, 2010  By: /S/ Robin P. Wright Robin P. Wright Attorney for Defendant CAL-WEST RECONVEYANCE CORPORATION  DATED: February 1, 2010  HOUSER AND ALLISON  By: /S/ Robert L. Driessen Robert L. Driessen Attorneys for Defendant MORTGAGELECTRONIC REGISTRATION S INC.  ///  ///  ///  ///  ///  ///  ///                        | 3  |  |
| Attorney for Plaintiff JOSE VERA  DATED: February 1, 2010  By: /S/ Robin P. Wright Robin P. Wright Attorney for Defendant CAL-WEST RECONVEYANCE CORPORATION  DATED: February 1, 2010  By: /S/ Robert L. Driessen Robert L. Driessen Attorneys for Defendant MORTGAGELECTRONIC REGISTRATION S INC.  /// /// /// /// /// /// // /// /// /   | 4  | By: <u>/S/ Allan Cory</u>  |
| DATED: February 1, 2010  WRIGHT, FINLAY & ZAK, LLP  By: /S/ Robin P. Wright Robin P. Wright Attorney for Defendant CAL-WEST RECONVEYANCE CORPORATION  By: /S/ Robert L. Driessen Robert L. Driessen Robert L. Driessen Attorneys for Defendant MORTGAGELECTRONIC REGISTRATION S INC.  ///  /// /// /// /// /// /// /// ///  | 5  | Allan J. Cory  |
| WRIGHT, FINLAY & ZAK, LLP  By: /S/ Robin P. Wright Robin P. Wright Attorney for Defendant CAL-WEST RECONVEYANCE CORPORATION  DATED: February 1, 2010  HOUSER AND ALLISON  By: /S/ Robert L. Driessen Robert L. Driessen Attorneys for Defendant MORTGAG ELECTRONIC REGISTRATION S INC.  /// /// /// /// /// /// /// /// ///   | 6  | Attorney for Plaintiff JOSE VERA   |
| By: /S/ Robin P. Wright Robin P. Wright Attorney for Defendant CAL-WEST RECONVEYANCE CORPORATION  DATED: February 1, 2010  HOUSER AND ALLISON  By: /S/ Robert L. Driessen Robert L. Driessen Attorneys for Defendant MORTGAG ELECTRONIC REGISTRATION S INC.  /// /// /// /// /// /// /// /// ///  | 7  | DATED: February 1, 2010  |
| By: /S/ Robin P. Wright Robin P. Wright Attorney for Defendant CAL-WEST RECONVEYANCE CORPORATIO  DATED: February 1, 2010  HOUSER AND ALLISON  By: /S/ Robert L. Driessen Robert L. Driessen Attorneys for Defendant MORTGAG ELECTRONIC REGISTRATION S INC.  /// /// /// /// /// /// /// /// ///   | 8  | WRIGHT, FINLAY & ZAK, LLP  |
| Robin P. Wright Attorney for Defendant CAL-WEST RECONVEYANCE CORPORATION  DATED: February 1, 2010  HOUSER AND ALLISON  By: /S/ Robert L. Driessen Robert L. Driessen Attorneys for Defendant MORTGAG ELECTRONIC REGISTRATION S INC.   | 9  |  |
| Attorney for Defendant CAL-WEST RECONVEYANCE CORPORATION  DATED: February 1, 2010  HOUSER AND ALLISON  By: /S/ Robert L. Driessen Robert L. Driessen Attorneys for Defendant MORTGAG ELECTRONIC REGISTRATION S INC.  /// /// /// /// /// /// /// /// ///  | 10 | By: /S/ Robin P. Wright  |
| RECONVEYANCE CORPORATION  DATED: February 1, 2010  HOUSER AND ALLISON  By: /S/ Robert L. Driessen  Robert L. Driessen  Attorneys for Defendant MORTGAO  ELECTRONIC REGISTRATION S  INC.  ///  ///  ///  ///  ///  ///  ///  | 11 | Robin P. Wright  |
| DATED: February 1, 2010  HOUSER AND ALLISON  By: /S/ Robert L. Driessen  Robert L. Driessen  Attorneys for Defendant MORTGAG  ELECTRONIC REGISTRATION S  INC.  ///  ///  ///  ///  ///  ///  ///  | 12 | Attorney for Defendant CAL-WESTERN   |
| HOUSER AND ALLISON  By: /S/ Robert L. Driessen  Robert L. Driessen  Attorneys for Defendant MORTGAG  ELECTRONIC REGISTRATION S  INC.  ///  ///  ///  ///  ///  ///  ///   | 13 | RECONVEYANCE CORPORATION   |
| By: /S/ Robert L. Driessen  Robert L. Driessen  Attorneys for Defendant MORTGAG  ELECTRONIC REGISTRATION S  INC.  ///  ///  ///  ///  ///  ///  ///   | 14 | DATED: February 1, 2010  |
| By: /S/ Robert L. Driessen  Robert L. Driessen  Attorneys for Defendant MORTGAG  ELECTRONIC REGISTRATION S  INC.  ///  ///  ///  ///  ///  ///  ///   | 15 | HOUSER AND ALLISON   |
| Robert L. Driessen  Attorneys for Defendant MORTGAG  ELECTRONIC REGISTRATION S  INC.    19  | 16 |  |
| Attorneys for Defendant MORTGAO ELECTRONIC REGISTRATION S INC.    19  | 17 | By: /S/ Robert L. Driessen   |
| ELECTRONIC REGISTRATION S INC.    1   | 18 | Robert L. Driessen   |
| INC.    INC.  | 19 | Attorneys for Defendant MORTGAGE   |
| 22  | 20 | ELECTRONIC REGISTRATION SYSTEMS  |
| 23  | 21 | INC.   |
| 24  | 22 |  |
| 25  | 23 |  |
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| THE STEPLE A LITTLE AND PROPERSED IN THE PROPERTY OF PROPERTY AND ALTERNATION AND AND AND AND AND AND AND AND AND AN  | 28 | STIDI II ATION AND PROPOSED ORDER REPERVIOUS TO OPPOSITION TO MOTIONS TO DISMISS |

1 DATED: February 1, 2010 2 3 PALMER, LOMBARDI & DONOHUE LLP 4 5 By: /S/ Frederick A. Haist 6 Frederick A. Haist 7 Attorneys for Defendant GMAC MORTGAGE, 8 LLC (f/k/a GMAC MORTGAGE 9 CORPORATION) and HOMECOMINGS 10 FINANCIAL, LLC (f/k/a HOMECOMINGS 11 FINANCIAL NETWORK, INC.) 12 13 14 15 **ORDER** 16 Pursuant to the stipulation of the parties and good cause appearing therefore, any reply by 17 Homecomings, GMAC, and MERS to Plaintiff's Opposition to Defendants' Motion to Dismiss 18 the Second Amended Complaint shall be filed no later than February 18, 2010. 19 20 IT IS SO ORDERED. 21 Ladialeit 2/3/10 22 Dated: 23 Hon. Claudia Wilken 24 United States District Court Judge 25 26 27 28 STIPULATION AND PROPOSED ORDER RE REPLY TO OPPOSITION TO MOTIONS TO DISMISS